

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY SWANSON,

Defendant.

Case No. 2:09-cr-00222-HDM-PAL

ORDER

The defendant has written a letter to the court asking why he is not receiving credit for time served prior to imposition of sentence in this case. The issue the defendant raises is one that must be initially addressed with the Bureau of Prisons through its Administrative Remedy Program. See 21 C.F.R. § 542.10 et seq.; see also *United States v. Wilson*, 503 U.S. 329, 335, 112 S. Ct. 1351, 1355, 117 L. Ed. 2d 593 (1992); *Martinez v. Roberts*, 804 F.2d 570, 571 (9th Cir. 1986). There is no indication that the defendant has contacted BOP or otherwise pursued his administrative remedies to seek resolution of this issue. Further, to the extent the defendant seeks judicial review of the BOP's calculation of his sentence, this court would not be the proper venue for his claim, even if his administrative remedies were otherwise exhausted. Such review must be sought, if at all, by way of a 28 U.S.C. § 2241 petition filed in the district of the defendant's confinement. *Zavala v.*

1 *Ives*, 785 F.3d 367, 370 n.3 (9th Cir. 2015); *Tucker v. Carlson*,
2 925 F.2d 330, 331 (9th Cir. 1991); *United States v. Giddings*, 740
3 F.2d 770, 771-72 (9th Cir. 1984). Accordingly, the defendant's
4 letter request (ECF No. 229), to the extent it seeks action from
5 this court, is DENIED.

6 DATED: This 19th day of April, 2023.

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9 UNITED STATES DISTRICT JUDGE